

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

MICHAEL MESA AND BELINDA MESA	§	
	§	Civil Action No. 4:17-CV-532
v.	§	(Judge Mazzant/Judge Nowak)
	§	
WELLS FARGO BANK, NA, REGAN	§	
PROPERTIES, LLC, AND XQC	§	
PROPERTY, LLC	§	

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On November 3, 2017, the report of the Magistrate Judge (Dkt. #51) was entered containing proposed findings of fact and recommendations that Plaintiffs' Motion to Remand (Dkt. #16) be **DENIED**, Defendant Wells Fargo's Motion to Strike (Dkt. #29) be **GRANTED**, and each of Defendant Wells Fargo's Motions to Dismiss (Dkts. # 9, #34) be **DENIED AS MOOT**.

Having received the report of the Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Plaintiffs' Motion to Remand (Dkt. #16) is **DENIED**, Defendant Wells Fargo's Motion to Strike (Dkt. #29) is **GRANTED**, and Defendant Wells Fargo's Motions to Dismiss (Dkts. # 9, #34) each are **DENIED AS MOOT**.

It is further **ORDERED** that Plaintiffs are granted leave to file an amended complaint within fourteen (14) days of the date of this Order strictly in compliance with the Court's instructions, which permit only as follows: Plaintiffs are permitted to amend to state a wrongful foreclosure action against Defendant Wells Fargo, as alleged in Plaintiff's First Amended

Complaint. The amended complaint shall not attempt to join any new (or previously dismissed) parties or add any new claims not authorized herein.

All relief not previously granted is **DENIED**.

**IT IS SO ORDERED.**

**SIGNED this 21st day of November, 2017.**

A handwritten signature in black ink, reading "Amos Mazzant", written over a horizontal line.

AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE